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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,067	12/09/2003	Louis B. Rosenberg	IMMR067/04US	2941

7590 09/07/2005

Cooley Godward LLP
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, VA 20190-5656

EXAMINER

WU, XIAO MIN

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/730,067	ROSENBERG ET AL.	
	Examiner	Art Unit	
	XIAO M. WU	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/29/04, 10/13/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 3/29/2004 and 10/13/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 2-33 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-44 of U.S. Patent No. 5,959,613. Although the conflicting claims are not identical, they are not patentably distinct from each other because they claim same subject matter as indicated below.

Independent claim 2 of 10/730,067 is similar to independent claim 1 of the US Patent No. 5,959,613.

Independent claim 13 of 10/730,067 is similar to Independent claim 21 of US Patent No. 5,959,613.

Independent claim 24 of 10/730,067 is similar to independent claim 32 of US Patent No. 5,959,613.

Independent claim 32 of 10/730,067 is similar to independent claim 42 of US Patent No. 5,959,613.

4. Claim 2 of 10/730,067 and claim 1 of the US Patent No. 5,959,613 are representative claims among all of the claims and they are illustrated as follow:

Claim 1 of US Pat. No. 5,959,613	Claim 2 of instant application
A method for generating a force signal for creating a feel sensation upon a user through a force feedback device, comprising:	A method, comprising:
providing a source wave;	Sending a source wave;
providing a set of control parameters, said control parameters including at least one of a steady-state magnitude value, a frequency value, and a duration value for said source wave, said steady-state magnitude value representing a steady-state magnitude of said source wave, said frequency value representing a frequency of said source wave, and said duration value representing a duration of said feel sensation;	Sending a set of values associated with control parameters, said control parameters including at least one of a steady-state magnitude value, a frequency value, and a duration value associated with the source wave, the steady-state magnitude value associated with a steady-state magnitude of the source wave, the frequency value associated with a frequency of the source wave, the duration value associated with a duration of output of haptic feedback;
providing a set of impulse parameters, including: an impulse value, said impulse value specifying an impulse force level of said source wave applied to said user, said impulse force level being different than said steady-state magnitude;	Sending impulse parameter, including: An impulse value, the impulse value associated with an impulse force level of the source wave, the value of the impulse force level being different from the value of the steady-state magnitude;
a settle time, said settle time representing a time required for a magnitude of said force signal to change from said impulse force level to said steady-state magnitude; and	A settle time, the settle time associated with a time for a magnitude of the force signal to change from the impulse force level to the value of the steady-state magnitude; and

forming, using a processor, said force signal from said source wave, said set of control parameters, and said set of impulse parameters.	Sending a force signal, the force signal based on the source wave, the set of control parameters, and the set of impulse parameters, the haptic feedback being based on the force signal.
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From the comparison above, it is noted that claim 2 of the instant application is using the words “sending”, “haptic feedback” instead of the words “providing”, “force feedback”, in claim 1, respectively, of the US Patent No. 5,959,613. These wording change are obvious and they are not patentable distinct from each other.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIAO M. WU whose telephone number is 571-272-7761. The examiner can normally be reached on 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD, can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2674

x.w.

September 4, 2005

A handwritten signature in black ink, appearing to read 'Xiao M. Wu', written in a cursive style.

XIAO M. WU
Primary Examiner
Art Unit 2674